IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1260 OF 2007
IN
APPEAL (LODG) NO.1069 OF 2006
IN
SUMMONS FOR JUDGMENT NO.38 OF 2005
IN
SUMMARY SUIT NO.3128 OF 2004
AND
APPEAL (LODG) NO.1069 OF 2006
IN
SUMMONS FOR JUDGMENT NO.38 OF 2005
IN
SUMMARY SUIT NO.3128 OF 2004

1.Electrex Marketing Services
Pvt.Ltd. And another. ...Appellants.

vs.

Janki Hotchand Bakshani. ...Respondent.

Mr.Brajesh Bhargava, Representative of the Appellants present.

None for Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 30th July,2007.

P.C.:-

1. The order impugned in the appeal is dated 14.11.2005. By that order the learned Single Judge, finding that there is virtually no defence to offer, granted the summons for judgment. The appeal has been filed in the month of December,2006. There is delay of 373 days. Even, certified copy of the order was received in the month of November,2005. According to the affidavit filed in support of the notice of motion, the appellant no.2 went to Bangalore to see his cousin and came back in the month of January,2006.

2. The only reason that has been given for not filing the appeal thereafter is that due to heavy backlog of work it completely slipped from the mind of the appellant no.2. By no stretch of imagination, it can be described as a sufficient cause. We also do not see any case on merit. In this view of the matter therefore, the notice of

motion and the appeal are disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)